

**United States District Court**

Southern

DISTRICT OF

New York

Merrill Lynch Business Financial Services Inc.

**SUMMONS IN A CIVIL CASE****V.**

CASE NUMBER:

Welko, Inc., Sam Kohl, Caren Kohl, and "John Doe  
#1" through "John Doe #12"**07 CV 3900**

TO: (Name and address of defendant)

Welko, Inc., 589 Fifth Avenue, New York, NY 10017

**JUDGE DANIELS****YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

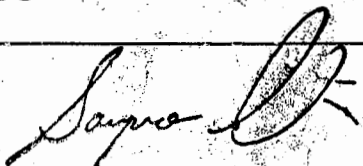
Spencer L. Schneider, Esq., 70 Lafayette Street, New York, NY 10013

an answer to the complaint which is herewith served upon you, within Twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

MAY 18 2007

**J. MICHAEL McMAHON**

CLERK



(BY) DEPUTY CLERK

DATE

MERRILL LYNCH BUSINESS FINANCIAL SERVICES INC.

Index #: 07 CV 3900 (DANIELS)

Plaintiff(s)

- against -

Date Filed:

WELKO, INC., ETAL

**AFFIDAVIT OF SERVICE**

Defendant(s)

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

STEVEN C. AVERY BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on May 29, 2007 at 02:15 PM at

THE OFFICE OF THE SECRETARY OF STATE  
41 STATE STREET  
ALBANY, NY12231

deponent served the within two true copies of the SUMMONS & COMPLAINT, CIVIL COVER SHEET, RULE 7.1 STATEMENT, JUDGES' RULES on WELKO, INC., the defendant/respondent therein named,

**SECRETARY OF STATE** by delivering two true copies to MS. CAROL VOGT personally, an agent in the office of the Secretary of State of the State of New York and knew said individual to be AUTHORIZED to accept thereof.

Service upon the N.Y.S. Secretary of State under Section 306 of the Business Corporation Law and tendering the required fee of \$40.00.


Deponent further states that he describes the person actually served as follows:

<u>Sex</u>	<u>Skin Color</u>	<u>Hair Color</u>	<u>Age (Approx.)</u>	<u>Height (Approx.)</u>	<u>Weight (Approx)</u>
<u>FEMALE</u>	<u>WHITE</u>	<u>BLACK</u>	<u>50</u>	<u>5'3</u>	<u>135</u>

WEARS GLASSES

Sworn to me on: May 29, 2007

Linda Forman  
Notary Public, State of New York  
No. 01FO5031305  
Qualified in New York County  
Commission Expires August 1, 2010

  
Robin M. Forman  
Notary Public, State of New York  
No. 01FO6125415  
Qualified in New York County  
Commission Expires April 18, 2009

Larry Yee  
Notary Public, State of New York  
No. 01YE5015682  
Qualified in New York County  
Commission Expires July 26, 2009

  
**STEVEN C. AVERY**

Docket #: 480056